

That the Board of Aldermen appropriate \$5,000.00 to the Library as a special appropriation for preliminary Planning for new building construction and/or renovations to present building. When and if a bond issue is approved for the above written purpose said sum of \$5,000.00 is to be returned to the unappropriated fund. Said \$5,000.00 is to be appropriated from the unappropriated fund.

DISCUSSION

Alderman LeClair: What do we have in the unappropriated fund.

City Treasurer: We are transferring \$6,000.00 according to the Resolution just passed.

Alderman LeClair: That answers my question.

On motion of Aldermen Couture and Patneaude it was voted to adopt the foregoing resolution relating to Transfer of Funds - Library.

RESOLUTION RELATING TO AMENDMENT TO COMPREHENSIVE PLAN FOR THE CITY OF BURLINGTON

CITY OF BURLINGTON

In the year One Thousand Nine Hundred and Seventy
Resolved by the City Council of the City of Burlington, as follows:

That in accordance with the State enabling authority of Title 24, V.S.A. Chapter 91, and having met the procedural requirements of such 24 V.S.A. Chapter 91, the land use plan for the City of Burlington entitled the Comprehensive Plan for the City of Burlington is hereby amended, and the details and conditions of such amendment shall be as per the attached document entitled Waterfront Amendment of the Comprehensive Plan for the City of Burlington.

On motion of Aldermen LeClair and Blanchard it was voted to adopt the foregoing resolution relating to amendment to comprehensive plan for the city of Burlington.

CITY OF BURLINGTON

In the Year One Thousand Nine Hundred Seventy

AN ORDINANCE IN RELATION TO ZONING AND PLANNING - MUNICIPAL ZONING

It is hereby Ordained by the City Council of the City of Burlington, as follows:

Title 27, Chapter 1, Section 6501 - Definitions is hereby amended to read as follows:

6501 DEFINITIONS

For the purpose of this chapter certain terms and words are herein defined as follows:

Unless otherwise defined in this section, definitions listed in Section 4503 of the Vermont Planning and Development Act, as amended, shall be applicable throughout this chapter.

Words used in the present tense include the future; words in the singular shall include the plural, and the plural the singular; the word "shall" is mandatory and not merely directory; the word "building" includes the work "structure", the work "lot" includes the work "plot", and the work "land" includes the words "marsh" and "water".

Unless defined to the contrary in section 4303 of the Vermont Planning and Development Act as amended or in this section definitions contained in the

Building Code of the City of Burlington, Title 5, Chapter 1, Revised Ordinances of 1962, as amended, incorporating the currently adopted editions of the National Board of Fire Underwriters Building Code and Fire Codes, shall prevail.

(1) Accessory Building or Use:

A use, or detached building, which is subordinate to the main use, or building, and located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of a wall of an accessory building is part of the wall of a main building, or where an accessory building is attached to the main building, such accessory building shall be counted as a part of the main building.

(2) Alteration:

Alteration means the rearrangement of interior space, including the addition of walls, halls, steps, elevators, escalators, the rearrangement of the exterior bearing walls, including new doors, windows, exits or facades, but not including ordinary maintenance or repairs.

(3) Apartment House:

A building or portion thereof used or designed to be used as a residence for three (3) or more families living in units independently of one another.

(4) Boarding or Rooming House:

A building or premises, other than a hotel, inn, motel, tourist court or lodging house, where less than five (5) rooms are let and where meals may be regularly served by prearrangement for compensation; not open to transient guests; in contradistinction to hotels, restaurants, tourist homes, which are open to transients.

(5) Building Lot:

A building lot is that area of land described in an application for a building permit or an application to the Board of Adjustment for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a certain use is to be carried on. A building lot shall not include any part of a street which is relied upon to qualify the lot as to frontage.

(6) Design Review:

Design review is the review of Height, Bulk, Open Space, Massing, Traffic Access, Circulation, Parking, Landscaping and all other architectural features, as provided for in Section 6526 Waterfront Design Control District, by the Planning Commission.

(7) Family:

One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes.

(8) Floor Area:

Net Floor Area: The interior floor area of a dwelling unit, exclusive of basements, stair wells, halls, bath rooms, corridors, attics, walls partitions and attached accessory buildings.

Gross Floor Area: the exterior measurement of a building exclusive of porches, stairs and all other structures not enclosed by interior walls.

(9) Garage:

A building or structure or a portion thereof in which motor vehicles or equipment are housed.

a. Garage, private: a garage, but not for commercial repair of vehicles, or the commercial storage or rental of more than two (2) stalls.

b. Garage, public: a garage, other than a private garage, as defined

above, used or designed to be used for storage, repair, sale or lease, service or maintenance of motor vehicles or equipment.

(10) Home Occupation:

An endeavour carried on for profit in a dwelling by an occupant in residence.

(11) Hotel, Inn, Motel, Tourist Court or Lodging House:

A building, or portion thereof, or a group of buildings, on a single lot, intended to be used for the temporary occupancy of five (5) or more individuals, who are lodged, with or without meals, and in which provision for cooking may be made in a central kitchen, but may not be in the individual rooms or suites.

(12) Kennel or Coop:

Accessory building or enclosure for the keeping of domestic pets of the residents, limited to three (3) or less such pets or animals three (3) months or older in age.

(13) Lakefront:

Lake shore means the water's edge of lake Champlain at average low water unless otherwise defined.

(14) Loading Space, Off-Street:

An off-street space or berth, on the same lot with a building for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress and egress.

(15) Lot, Corner:

A lot abutting on two (2) or more streets at their intersection.

(16) Membership Club:

A private organization, building or grounds, specifically including country clubs and fraternities, and other organizations to which membership is limited or controlled.

(17) Non-Complying Structures:

Non-complying structures means a structure or part thereof not in conformance with the Zoning regulations covering building bulk, dimensions, height, area, yards or density, where such structure conformed to all applicable laws, ordinances and regulations prior to enactment of such Zoning ordinance.

(18) Non-Conforming Use:

A non-conforming use of land or building is an existing use of land or building which does not conform to the use regulations for the district in which such use of land or building exists and which legally existed at the time of the adoption of the regulation to which it does not conform.

(19) Professional Occupation:

Any recognized profession licensed by the State of Vermont, such as the office of a doctor, lawyer or dentist, but excluding veterinarians and beauticians.

(20) Semi-Public Use and Buildings:

Semi-Public use includes churches, membership, clubs and other non profit operations. Provided, however, that private nursery schools are specifically determined not to be a semi-public use.

(21) Sign:

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public street or right-of-way and used to attract attention.

(22) Street:

A public way as defined in Title 1, Chapter 5, Section 152 of the Revised Ordinances of the City of Burlington of 1962 as amended, or a private way devoted to public use.

The word "street" shall include the entire width between property lines of every way used for vehicular and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

(23) Structure:

Any construction, erection, assemblage or other combination of materials upon the land, including swimming pools necessitating pilings, footings or a foundation attachment to the land, and including paving.

(24) Tourist Camp:

Land used, or intended to be used, or rented for occupancy by campers traveling by automobile or otherwise; or for temporary occupancy by house trailers, tents, or movable or temporary dwellings, rooms or sleeping quarters of any kind.

(25) Waterfront Pedestrian Corridor:

The Waterfront Pedestrian Corridor is an area encouraged for dedication to the City by an applicant for a certificate of appropriateness in the Waterfront Design Control District.

(26) Yard:

All open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between a building or group of buildings and a lot line.

a. Yard, Front:

The open, unoccupied space extending across the full width of the lot and lying between the street line of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line, measured at right angles to the front line of the lot.

b. Yard, Rear:

The open, unoccupied space extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and rear lot line, measured at right angles to the rear line of the lot.

c. Yard, Side:

The open, unoccupied space between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line, measured at right angles to the side line of the lot.

ZONING AND PLANNING : MUNICIPAL ZONING

It is hereby Ordained by the City Council of the City of Burlington, as follows:

Title 27, Chapter 1, Section 6506 is hereby amended to read as follows:

6506: Districts

(a) The City of Burlington is hereby divided into ten districts as follows:

Zone 1. Residential district.

Zone 2. Park district.

Zone 3. Commercial district.

Zone 3a. Modified commercial district

Zone 4. Industrial district.

Zone 5A. Waterfront low density residential district.

Zone 5B. Waterfront high density residential district.

Zone 6. Waterfront park district.
Zone 7. Waterfront commercial district.
Zone 8. Waterfront industrial district.

(b) As written.

It is hereby Ordained by the City Council of the City of Burlington,
as follows:

Title 27, Chapter 1, Section 6507 is hereby amended to read as follows:
6507, Boundries

(a) As written

(b) (1) repealed

(2) - (5) as written

(c) (1) - (8) as written

(d) (1) repealed

(e) (1) and (2) as written

(f) Notwithstanding the provisions of Subsection (a) of this Section, the following described lands and premises shall be included within Zone 5a:
(1) That portion of the City bounded as follows:

On the north by the center line of Lakeside Avenue and its extension westerly to Lake Champlain; on the east by the west line of the railroad right-of-way formerly owned by the Rutland Railway Company; on the south by the north line of lands of Socony Vacuum Oil Company a/k/a/ Mobil Oil Corporation and the north line of lands now or formerly of Vermont Hardware Co., Inc., and on the west by Lake Champlain.

(2) That portion of the City bounded as follows:

On the north by the center line of Flynn Avenue; on the east by a line which begins at a point in the center line of Flynn Avenue 688 feet westerly of the west line of the railroad right-of-way formerly owned by the Rutland Railway Company and which first runs in a southerly direction to the northwest corner of lands of Harry Ambrose located on the north side of Austin Drive; then running along the west line of Harry Ambrose to the center line of Austin Drive; then running along the center line of Austin Drive to the west line of lands of the Greater Burlington Industrial Corporation (Cynosure, Inc.); and then running along said west line of lands of the Greater Burlington Industrial Corporation to the southerly limits of the City; on the south by the southerly limits of the City of Burlington; and on the west by Lake Champlain.

(g) Notwithstanding the provisions of Subsection (a) of this Section, the following described lands and premises shall be included within Zone 5b:

(1) That portion of the City bounded as follows:

On the north by the south line of Lakeview Cemetery; on the east by the center line of North Avenue; on the south by the center line of Sherman Street and its extension westerly to Lake Champlain; and on the west by Lake Champlain.

(h) Notwithstanding the provisions of Subsection (a) of this Section, the following described lands and premises shall be included within Zone 6:

(1) That portion of the City bounded as follows:

On the north by the north line of lands of the Episcopal Diocese of Vermont; on the east by the west line of lands of Burlington High School; again on the north by the center line of Institute Road between said west line of lands of Burlington High School and the center line of North Avenue; again on the east by the center line of North Avenue between the center line of Institute Road the south line of Lakeview Cemetery; on the south by the south line of Lakeview Cemetery; and on the west by Lake Champlain to the City limits.

(2) That portion of the City bounded as follows:

On the north by the north line of lands of Socony Vacuum Company a/k/a Mobil Oil Corporation; on the east by a line 1150 feet westerly of, and parallel to the west line of the railroad right-of-way formerly owned by the Rutland Railway Company; on the south by the south line of lands of the Cliffside Country Club, Inc.; and on the west by Lake Champlain to the City limits.

(i) Notwithstanding the provisions of Subsection (a) of this section, the

following described lands and premises shall be included within Zone 7.

(1) That portion of the City bounded as follows:

On the north by the south line of Sherman Street and its extension westerly to Lake Champlain; on the east by the center line of Battery Street; on the south by the center line of Maple Street and its extension westerly to Lake Champlain; and on the west by Lake Champlain to the City limits.

(j) Notwithstanding the provisions of Subsection (a) of this Section, the following described lands and premises shall be included within Zone 8.

(1) That portion of the City bounded as follows:

On the north by the center line of Maple Street and its extension westerly to Lake Champlain; on the east by the center line of Champlain Street and its extension southerly to the center line of Lakeside Avenue; and the south by the center line of Lakeside Avenue and its extension westerly to Lake Champlain; and on the west by Lake Champlain to the City limits.

6516 Unit Development and Planned Residential Development

(a) Unit development: current 6516 as written.

(b) Planned residential development.

1. In accordance with the provisions set forth in Section 4407 (3) of the Vermont Planning and Development Act, the modification of Zoning regulations by the Planning Commission in all residential districts is hereby permitted. Said modifications shall be limited only to cases involving subdivision approval; and granted by the Planning Commission simultaneously with plat approval.

2. Definition

a. A planned residential development shall mean a subdivision developed as an entity by a Land Owner which does not correspond in lot size, bulk or type of dwelling, or required open spaces to the regulations in which district it is situated as established by this chapter, regardless of whether by law or fact the area is to be utilized by separate entities, functions or families.

3. Intent

The purpose of the Planned residential Development is to provide for a mixture of housing types at different densities and at stated allowed higher densities than allowed under normal subdivision procedures; to provide and enhance allocation and distribution and maintenance of areas designated as common open space; to provide within the project a variety of housing types; and to provide a method of development for existing lots which because of physical topographical, or geological conditions could not otherwise be developed.

4. Upon approval of the Planning Commission the area, frontage, yard and floor area requirements may be waived for a planned residential development.

5. The following requirements shall be met for approval by the Planning Commission:

A. Uses shall be limited to those permitted within the district in which it is located.

B. Density and building area coverage requirements of the district are met.

C. The minimum set backs required for the district shall apply to the periphery of the project.

D. The project shall be subject to design review.

E. The purposes of the intent as defined are met in a way not detrimental to the City's interests.

F. All other zoning requirements of the district, except for those specifically listed as not applicable, shall be met.

6. Administrative Controls

The following administrative procedure and controls shall be required for the presentation of a Planned Residential Development Plan:

A. The proposed development shall be in harmony with the Master Plan of the City and shall be in conformance with the requirements of Section 4407

(5) of the Vermont Planning and Development Act, 1968 Acts, No. 334, As amended.

B. Open space or common land shall be assured and maintained in accordance with the procedure prescribed by the Planning Commission.

C. The development plan shall specify reasonable periods within which development of each section of the Planned residential development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed, provided such deviation shall be adjusted for in other sections of the Planned residential Development. No buildings designed or intended for business use, except the development office, shall be constructed in the planned residential district.

7. Open Space

If the application of this procedure results in land available for park, recreation, open space or other municipal purposes, the Planning Commission as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure preservation of such lands for their intended purposes.

Title 27, Chapter 1, Section 6517 is hereby amended to read as follows:
6517 Nonconforming Uses.

(a) With the exception of buildings or uses within the Waterfront Districts, any lawful building or use of a building or premises in nonconforming use prior to the effective date hereof may be continued, anything herein contained to the contrary notwithstanding, and the board of adjustment may, on application and hearing, permit the enlargement or alteration of such building and the extension of such use, provided that the total permits for such alteration or enlargement shall not exceed 25 per cent of the total floor area of the building above grade; and said board of adjustment may, on application and hearing, in cases of undue hardship permit the enlargement or alteration of such building and the extension of such use, provided that the total permits for such alteration or enlargement shall not exceed 50 per cent of the total floor area of the building above grade. Applications for such alteration or enlargement shall contain the dimensions of the building and an accurate statement of the floor area above grade at the date this amendment became effective and shall state whether prior applications have been made and prior permits granted, and if so shall give the date of all such prior applications and permits. The zoning administrative officer shall keep an accurate record of all such applications and permits.

(b) Nonconforming uses and Noncomplying Structures within the Waterfront Districts: In order to preserve the property rights of individuals and organizations as is reasonable and at the same time enforce the provisions of this ordinance and promote the general health, safety and welfare of the City of Burlington, these provisions governing the continuance and discontinuance of nonconforming uses and noncomplying structures within the Waterfront Design Control District are established.

1. Nonconforming uses: the following provisions shall apply to all buildings and uses existing on the effective date of this section which do not conform to the use requirements of the District in which they are located, and to all buildings and uses that in the future do not conform by reason of subsequent amendment to this Zoning Ordinance. Any nonconforming use may continue in operation subject to the following limitations:

A. It is considered desirable and in the best interest of the City to encourage nonconforming uses to change to a use which is conforming. Nonconforming uses shall not be moved, enlarged, altered, extended, reconstructed, or restored, except in strict conformance with the following schedules:

(1) Enlargement: Nonconforming uses may be enlarged within the existing lot (no extensions into any additional lots is permitted even though they may be a part of a parcel held under single ownership) by up to twenty-five percent of the floor area, building or structural capacity existing at the time of the passage of this section.

(2) Change in use: No nonconforming use may be altered in use, except

to an allowed use under the provisions of the district in which it is situated.

(3) Nonconforming uses shall not be re-established, if such use has been discontinued for any reason for a period of six months, or has been changed to or replaced by a conforming use. Intent to resume nonconforming use shall not confer the right to do so.

(4) Nonconforming uses shall not be restored for other than a conforming use after damage from any cause which damage shall be sufficient to cause cessation of use, unless the use is re-established within six (6) months, and no building may be rebuilt for nonconforming use.

(5) Discontinuance of Nonconforming Uses: In order to eliminate nonconforming uses within a reasonable time without unduly sacrificing the rights and investments of the parties involved, all nonconforming uses within the Waterfront Districts shall be discontinued from the date of the passage of this section, according to the following amortization of investment schedule:

(a) Open air storage, including junkyards, automobile sales lots, signs, fences, and other uses not involving structure shall be discontinued within three (3) years.

(b) Bulk storage within structures, including: Bulk oil, Lumber and Wholesaling which does not include manufacturing, shall be discontinued within 20 years.

(c) All nonconforming uses not privately cited shall be discontinued within thirty (30) years.

Any enlargement of a nonconforming use shall not extend the right of use and shall be allowed at the owner's peril, and the City shall not be held liable for any such extension or enlargement.

2. Noncomplying Buildings: Nothing in this section shall be deemed to prevent normal maintenance and repair, structural alteration in moving, or enlargement of a noncomplying building, provided that such action does not increase the degree of or create any new noncompliance with regards to the regulations pertaining to such buildings.

Title 27, Chapter 1, Section 6525 is hereby added to read as follows;
6525 Waterfront Districts - Zones 5-8

(a) Waterfront Residential Districts, Zones 5a and 5b.

By virtue of its designation in the Comprehensive Land Use Plan (Master Plan) of the City of Burlington the "Waterfront Residential" (WR) District, Zones 5a (Low Density Residential) and 5b (High Density Residential) is created.

(1) Subject to the general provisions of this Ordinance, and subject to design review as provided in Section 6526 the following uses are permitted in the Waterfront Low-Density Residential District, Zone 5A:

A. Residential Use

(i) Accessory uses, including such normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, summer houses, and a structure approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory and used for shelter from natural disaster or war, and detached fireplaces, but not including uses devoted to outdoor overnight storage of commercial vehicles, or the outdoor storage of more than one (1) unregistered vehicle. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory.

B. Fields, Pastures, Woodlots, greenhouses, horticultural activities, farms, including grazing, truck gardening and raising and storing crops but not including piggeries and fur farms, provided that:

(1) No buildings are located within one hundred (100') feet of a district boundary line or twenty-five (25') feet of a lot line.

(2) Animals which are permitted to graze closer than one hundred (100') feet of a district boundary line or twenty five (25') feet of a lot line must be enclosed by fencing.

- C. Structures for pets and animals for use of the residents of the premises, not including commercial boarding or raising of household pets or other animals.
- D. Display and sale or the offering for sale by the owner or resident of the land, of farm produce, provided that the produce is raised on the premises, and provided that no stand for such sale is located within twenty-five (25') feet of a street line, and provision is made for off-street parking in accord with Section 6522 (g) of this chapter.
- E. Professional office or customary home occupation, when authorized as a conditional use by the Zoning Board of Adjustment, upon a finding that:
 - (1) The profession or customary home occupation is conducted by a resident of the premises.
 - (2) The use is clearly incidental to and secondary to the use as a residence.
 - (3) Not more than two (2) persons, other than residents of premises, are regularly employed at the residence in connection with such use.
 - (4) No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced which is discernible from other properties.
 - (5) There is no public display of goods or wares, and there are no signs except as ^{would be} permitted in ^{zone 1 under} Section 6509(C).
 - (6) There is no exterior storage of material or equipment and no exterior evidence of a non-residential use of the premises, except signs as permitted ^{zone 1 under} in Section 6509(C).
 - (7) There is adequate off-street parking provided, as set forth in Section 6522 (g) at the side or rear of the structure for any employees or visitors in connection with such use.

Such Zoning Board of Adjustment must also find that such proposed conditional use does not adversely affect:

- (1) The capacity of existing or planned community facilities;
- (2) The character of the area affected;
- (3) Traffic on roads and highways in the vicinity; and
- (4) Bylaws then in effect.

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- F. Public and semi-public uses including churches, educational facilities and recreational facilities, but not to include amusement parks, when authorized as a conditional use by the Zoning Board of Adjustment upon a finding that:
 - (1) They are located on a major or collector street.
 - (2) Any building is placed not less than fifty (50) feet from any property line.
 - (3) Screen plantings or solid fences are provided to provide screening of all outdoor lighting and parking areas from view of the ground floors of adjacent residential buildings.

Such Zoning Board of Adjustment must also find that such proposed conditional use does not adversely affect:

- (1) The capacity of existing or planned community facilities;
 - (2) The character of the area affected;
 - (3) Traffic on roads and highways in the vicinity; and
 - (4) Bylaws then in effect.
- (2) Minimum Lot and Maximum Density Requirements: within Zone 5A, the following minimum lot sizes and maximum density requirements shall prevail:

	<u>Minimum Lot *</u> <u>Per Dwelling Unit</u>	<u>Max. Density*</u> <u>Net Dwelling units per acre</u>
Single Family	12,500 sq. ft.	3.5/ acre
Duplex	8,000 " "	5.5/ acre
Planned Residential Development	5,000" "	8.7/ acre

*Exclusive of Streets.

- (3) Within the High Density Waterfront Residential (WR) District, Zone 5B, the following uses are permitted, subject to Design Review.

- A. Residential: Multiple family units only. The maximum residential density per acre permitted for such multiple family units shall be 100 units per acre, exclusive of streets.
- B. Yacht Basins and Clubs
- C. Fishing Piers
- D. Parking Facilities
- E. Retail and Service Establishments as a part of other allowed uses within Zone 5b, as approved by the Planning Commission as to design.
- F. Rail lines, public and semi-public uses, including schools, substations and water processing, but not to include generation stations or any above ground utilities.

(b) Waterfront Park District - Zone 6

By virtue of its designation within the Comprehensive Land Use Plan (Master Plan) for the City of Burlington the "Waterfront Park" (WP) district, Zone 6, is established to protect the green acres and provide for their future appropriate development.

Within the "WP" district, the following uses are permitted, subject to Design Review.

- (1) Public and Semi-Public recreation facilities and grounds
- (2) Tourist Camping areas
- (3) Public and Semi-Public buildings not to exceed a ground area ; coverage of five (5%) percent.

(c) Waterfront Commercial District - Zone 7

By virtue of its designation within the Comprehensive Land Use Plan (Master Plan) for the City of Burlington, the "Waterfront Commercial" (WC) District, Zone 7, is established to enhance and diversify the development of the lake shore area and to increase utilization and enjoyment of the shore by the Community.

Within the Waterfront Commercial (WC) District, Zone 7, the following uses are permitted, subject to the provisions of this Ordinance and subject to Design review.

- (1) High Density housing including Hotels and Motels at a maximum density of 100 dwelling units per acre.

- (2) Restaurants.
- (3) Yacht Clubs, Marinas, Boat and Accessory Sales and Rental Establishments.
- (4) Retail establishments, but only as a part of other uses permitted within Zone 7, and only where the retail floor space does not exceed 10% of the total floor area
- (5) Offices
- (6) Fishing Piers
- (7) Ferries and Excursion Facilities
- (8) Parking Facilities
- (9) Sports Arenas
- (10) Auditoriums and Theaters
- (11) Display and sale of merchandise by distributors or manufactures, except that only items actually displayed may be stored on the site.
- (12) Rail Lines

(d) Waterfront Industrial District - Zone 8

By virtue of its designation within the Comprehensive Land Use Plan (Master Plan) for the City of Burlington, the "Waterfront Industrial" (WI) District, Zone 8, is established to protect existing Industrial Districts and to provide for their future orderly development. Within the "Waterfront Industrial" (WI) District the following uses are permitted, subject to Design Review:

(1) All manufacturing, processing, fabricating, storing, ~~and except that bulk storage of gasoline, oil or other petroleum products within 200 feet of the lake shore is not a permitted use~~, and research operations, provided that such operations shall not cause or maintain injurious or obnoxious noise, vibrations, smoke, fumes, gas, odor, dust, fire hazard, or other objectionable conditions which can be detected beyond the limits of the District and provided that such operations are authorized as a conditional use by the Zoning Board of Adjustment upon a finding that:

- A. All operations must be conducted and all materials and products stored within the building of the plant, or concealed from public view as approved by design review.
- B. Processes shall not create smoke visible from the site boundaries.
- C. No process shall emit noxious odor detectable beyond the site. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
- D. No operations creating undue noise, vibration, dust, or fumes which are in any way a nuisance to persons off of the site are permitted.
- E. Operations creating glare shall be so shielded that the glare cannot be seen from off the site.
- F. Off-street loading areas for handling all materials and products must be provided in areas treated to prevent dust. Travel-ways and parking areas shall be stabilized or paved.

Such Zoning Board of Adjustment must also find that such proposed conditional use does not adversely affect:

- (1) The capacity of existing or planned community facilities;
- (2) The character of the area affected;
- (3) Traffic on roads and highways in the vicinity; and
- (4) Bylaws then in effect.

Any such above conditional uses must also meet the requirements of the performance standards as outlined in Section 6527.

(2) Retail and/or wholesale sales of goods produced or processed on the premises, including redistribution outlets, provided that the sale of goods not produced or processed on the premises is limited to redistribution to dealers.

(3) Terminal and service garages for transit vehicles, including rail facilities.

(4) Trucking terminals, provided acceleration and de-acceleration lanes at least 50 feet in length are provided for the use of trucks entering or leaving the road, and the volume or concentration of such truck traffic will not constitute a traffic hazard or unduly impede highway traffic movement.

Title 27, Chapter 1, Section 6526 is hereby created to read as follows:

Section 6526 Waterfront Design Control District

By virtue of its designation within the Comprehensive Land Use Plan (Master Plan) for the City of Burlington and according to the provisions of Section 4407 of the Vermont Planning and Development Act, the Waterfront Design Control District made up of all the waterfront districts, is hereby established to provide for the control and review of all applications for Certificates of Appropriateness as hereinafter outlined within the Waterfront Districts. Within the Waterfront Design Control District, the following requirements shall be met in a manner approved by the Planning Commission.

(a) General Design Control Provisions

- (1) Within the Waterfront Design Control District, no building or structure shall be erected, reconstructed, substantially altered, restored, moved or demolished, unless the plans therefore have been approved and a Certificate of Appropriateness shall have been granted for any such purpose by the Planning Commission and signed by the Chairman of the Planning Commission.
- (A) Within a period of sixty days after the filing of the plans and application for the Certificate of Appropriateness (Saturdays, Sundays and legal holidays excluded), or within such further time as the applicant may in writing allow, the Commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving or demolition of the buildings, structures or appurtenant fixtures involved will be appropriate in terms of subsections 2,3,4,5,6,7 and 8 of this section.

- (B) In considering such application for a Certificate of Appropriateness, the Planning Commission may request advice and recommendations from the Burlington Design Review Board. When such advice and recommendations are requested, the Planning Commission shall provide the Board with a copy of the application and accompanying plans, specifications and supporting materials. The advice and recommendations of the Burlington Design Review Board shall be made in writing and submitted to the Planning Commission within the time prescribed by said Commission in its request.
- (C) If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition or landscaping is appropriate, or if said Commission fails to make a determination within the time hereinbefore prescribed, the Commission shall forthwith approve such application and shall issue to the applicant a Certificate of Appropriateness. If the Commission determines that a Certificate of Appropriateness should not issue, it shall place upon its records the reasons for such determination, and may include recommendations respecting the proposed construction, reconstruction, alteration, moving, demolition, or landscaping. The Commission shall forthwith notify the applicant of such determination and shall furnish him an attested copy of its reasons therefore and its recommendations, if any, as appearing in the records of said Commission.
- (D) Nothing in these design control district regulations shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district which does not involve a change in design, material, color or the outward appearance thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector or other designated City inspectors shall certify is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under permit issued by such inspectors or similar agent prior to the effective date of establishment of said district.
- (2) When considering plans submitted for design review within the Waterfront Districts, the Planning Commission shall encourage, but not require, the development of an area adjacent to the lake front, for the purpose of providing continuous access for pedestrian traffic along the lake front and for the purpose of providing an easement for underground utilities. It shall be fourteen (14) feet in width in the Waterfront Commercial (WC) Zone and the Waterfront Residential (WR) Zone. It shall be so designed to connect with the lake front for the purpose. This corridor may not extend over railroad piers, sidewalks,

breakwaters or extensions into the lake, where, in the opinion of the Planning Commission, the best interests of the public safety would not be served thereby. For purposes of the pedestrian corridor and setbacks within the Waterfront Design Control District, the lake front shall be established by the Planning Commission on the following basis:

- A. It shall be the top of the normal lake bank as established by existing man made retaining walls, buttressing, or revetment, or natural land.
- B. It shall be a line not annually inundated.
- C. It may be established on the basis of proposed extension into the lake by the developer.

- (3) Setbacks: A 30 foot setback from the lake front as defined above shall be required by the Planning Commission. No other setbacks shall be required in the Waterfront Zones, except the following conditions shall be met: In relation to the Waterfront Pedestrian Corridor, the Planning Commission will encourage, but not require, additional area adjacent to the 30 ft. required minimum setback to enhance the corridor by creating plazas, malls or green areas. Side, front and rear yards will depend on the facing of the buildings. The applicant will be encouraged to make maximum use of the lakeshore and mountain views and also respect these views for other affected developments. In addition, requirements for adequate privacy, light, air, and access will be considered in the development of side, rear and front yard setbacks.

- (4) Service: Any point of vehicular access for delivery of goods will be encouraged to respect the character of the pedestrian corridor, where it exists, where existing shops adjacent to the pedestrian corridor will ideally be serviced from the interior of the structure or the eastern side of the building. Water oriented commercial facilities requiring the movement of goods across the pedestrian corridor shall provide controlled points of access. Service may be permitted utilizing the pedestrian corridor. However, this service may be restricted to non-peak pedestrian hours.

- (5) Bulk and Height: From the shore line the silhouette shall follow the general slope of the topography so that on the shore one or two story structures are to be desired, with taller structures desired in the area of the escarpment. Point towers on higher grounds, and maintenance of low profiles at the waterfront, with cohesive architectural groups which take advantage of the views, and relate to one another respecting adjacent developments and insuring adequate light, air, and privacy will be favored.

- (6) Scale and Massing: Arrangement of new facilities should be compatible with existing developments, landward of the district.
- (7) Landscaping requirements: There shall be a sufficient amount of landscaping, as determined by the Planning Commission, secured by Performance Bond in a sufficient amount as determined by the Planning Commission, to insure protection of and enhance the quality of the neighborhood and to enhance the view from the lake.
- (8) In the Waterfront Industrial Zone, Design Review shall be limited to facade treatment and landscaping requirements.

(b) Design Review Procedural Requirements

- (1) Pre-design conference (this conference is intended for the benefit of the designer and developer to clarify the City's requirements and prevent costly reworking of subsequent submission). Additional conferences may be held at the developers request at any point in the design process with the technical staff of the planning commission for further clarification).

a. Submission requirements:

- (1) A listing or delineation of the scope of the project.
- (2) Definition of space requirements for each use desired, including general parking spaces anticipated.
- (3) Location map at 600 feet per inch.
- (4) Perimeter survey of lot and indications of topography and existing public easements.

- b. Photographs (8 x 10) and/or slides in sufficient quantity to and detail and to indicate environment and scenic views from the site which will be respected.

(2) Preliminary Design Plan -

Submission requirements:

- (a) Schematic design with sufficient detail to settle the essential elements of the project; including basic materials finishes and the structural electrical and mechanicals systems.
- (b) Drawings which thoroughly define and illustrate the basic features of the entire project.
- (c) A massing model with sufficient detail to show scale and immediate environs including some scale elements.

(3) Final Plan

Submission requirements:

- (a) Finished Construction Documents (7 sets) of, to include separately

- 1) Site grading plan
- 2) Plan detail of street furniture and landscaping
- 3) Plan Detail of service access

- (b) Bond of sufficient amount to insure that the landscaping will be dedicated to City; and a bond to insure landscaping plant survival (or contract with a landscaping firm which adequately provides such guarantees).

Title 27, Chapter I, Section 6527 is hereby added as follows:

6527 Performance Standards

No land or building in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; or to create any noise, vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electromagnetic or other substance, condition or element in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the provisions of this Section limiting dangerous and objectionable elements at the point of the determination of their existence.

- (1) Uses Requiring Performance Standards Procedure. All principal buildings and uses accessory thereto; except residences, and uses accessory thereto, shall be subject to the performance standards procedure as specified in (3) below in obtaining a building permit from the Building Inspector.
- (2) Enforcement Provisions Applicable to Other Uses. Even though compliance with performance standards procedure in obtaining a building permit is not required for some particular uses, initial and continued compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
- (3) Performance Standards Procedure. An application for a building permit or a certificate of occupancy for a use subject to performance standards procedure shall include a plan of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this section.

The applicant shall also file with such plans and specifications an affidavit acknowledging his understanding of the applicable performance standards and stating his agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential.

(4) Performance Standard Regulations

- A. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at and proceed with adequate safety devices against the hazard of fire and explosion, and such adequate fire-fighting and fire suppression equipment and devices as are standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.
- B. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot line; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps frequency or aperiodic vibrations shall not induce accelerations exceeding .001 g. Single impulse aperiodic vibrations occurring at an average interval greater than 5 minutes shall not induce accelerations exceeding .01g.
- C. Noise. The maximum sound pressure level radiated by any use or facility (other than transportation equipment) at any lot line shall not exceed the values in the designated octave bands given in Table I, after applying the corrections shown in Table II, below. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sound Z24. 3-1954, American Standards Association, Inc., New York, New York,

and American Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, Z24. 10-1953, American Standards Association, Inc., New York, New York shall be used.)

TABLE I

Maximum permissible sound-pressure levels at the lot line for noise radiated continuously from a facility between the hours of 7 a.m. and 7 p.m.

Frequency Band Cycles Per Second	Sound Pressure Level dB re 20 microns/sec
20 - 75	40
75 - 150	40
150 - 300	40
300 - 600	40
600 - 1,200	42
1,600 - 2,400	40
2,400 - 4,800	38

If the noise is not smooth and continuous and is not radiated between the hours of 9 p.m. and 7 a.m., one or more of the corrections in Table II shall be applied to the decible levels given in Table I.

TABLE II

Type or Location of Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	+ 5
2. Noise source operates less than	
a. 20% of any one-hour period	+ 5*
b. 5% of any one-hour period	+ 10*
c. 1% of any one-hour period	+ 15*
3. Noise of impulsive character (hammering, etc.)	- 5
4. Noise of periodic character (hum, screech, etc.)	-5

* - Apply one of these corrections only.

- D. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc. and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for 4 minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.
- E. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detected when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manuals", copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.
- F. Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms or property which can cause any excessive soiling, at any point on property of others and in no event any emission, from any chimney or otherwise, of any solid or liquid particulate concentrations exceeding .022 parts per million (PPM) or 60 micrograms/cu. meter of the conveying gas. Sulfur dioxide contact shall not exceed .022 PPM

or 60 micrograms/cu. meter. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty percent (50%) excess air.

- G. Electromagnetic Radiation. It shall be unlawful to operate, or cause to be operated, an planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, wheather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communication Commission, or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic raditors or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

- H. Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with regulations of the Atomic Energy Commission as set forth in Title 10, Chapter One, Part 20-Standards for Protection Against Radiation, as amended; and all applicable regulations of the State of Pennsylvania.
- I. Heat. For the purposes of this ordinance, heat is defined as thermal energy of a radiative, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property, whether such change be in the air or the ground in a natural stream or lake, or in any structure on such adjacent property.
- J. Glare
- (1) Direct Glare. Direct glare is defined for the purpose of this ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground, with the exception that such angle may be increased to 90 degrees if the luminary is less than 4 feet above the ground. Such luminaries shall be placed not more than 16 feet above ground level and the maximum illumination at ground level shall not be in excess of three foot-candles.
- (2) Indirect Glare. Indirect glare is defined for the purposes of this ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

.3 foot-candles (Maximum)

.1 foot-candles (Average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

K. Liquid or Solid Wastes. No discharge shall be permitted at any point into any sewage disposal system, or watercourse, or lake, or into the ground, except in accord with standards approved by the State Department of Health, Environmental Control Board, or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

DISCUSSION

Alderman Blanchard: We are now coming to this Board with this Ordinance. This has been passed through innumerable meetings, I think it has had more attention than any other ordinance passed by this Board.

Alderman Blanchard's remarks are a written report.

Alderman Shepard: He prepared remarks.

Alderman Pierson: I think the issue is clearly drawn and is one of amortization. Should we pass the buck or face the issue of amortization head-on, personally I cannot support the imminent taxation clause. I have serious reservations as to whether it would be constitutional, also I am morally and ethically opposed to this feature, not what is trying to be done to the waterfront. If we are to deny present use of the property on the waterfront there is only one course to consider and that is just compensation. A precedent in adopting amortization is frightening I would hate to have my property changed into a park zone and given 20 years in which to move. I cannot support this ordinance as it is presently drawn, because of the amortization clause.

Alderman Meunier: It is very clear that amortization is the point, I think we have to pass this as written and let the courts decide its fate, I don't feel it is being unjust, no property is being taken over. All that is asked is that this type of business has to cease at this location. This does not prevent these people from selling the property or creating a new business on the property.

Alderman Leach: I agree with the idea of zoning to recapture the lakefront for all of the reasons mentioned by Alderman Blanchard. My only hang-up is the amortization clause. I can't pass this and make somebody else come up with the decision. It is not constitutionally right or wrong it is morally right or wrong. We are telling these businesses to stop doing what they are doing they are not conforming. If the people did own the land we could recover through investment this would be more acceptable but much of this land is lease land and their only investment is their operation of the land. I am sure that after 20 years the depreciation will have finished the land but there is an economic reason here. Value lies in the buildings existing and people doing business in them. It has been stated the City cannot compensate because they are not taking, this could go on indefinitely, I don't feel that we should tell a person that his investment in a building is all of a sudden of no value, because he cannot continue operating without this one clause. I think this is an excellent ordinance and is definitely needed.

Alderman McSweeney: You mentioned the point that many businesses are on lease land. I would like to point out these people are in the same jeopardy regarding loss of business in connection with the landlord when their lease runs out. He could tell them that they can no longer operate on the location. We are saying as the corporate body representing the people of Burlington the very same thing.

Alderman Porter: I have spent many hours trying to envision how this ordinance will effect the City of Burlington. Not only will it effect Burlington but the communities. It does mean that many people are going to have to do some work to see that this ordinance is effective. We have good intentions to clean up the area and if it is not followed through we are going to create something that will haunt us. I don't think the ordinance is 100% correct I feel there has to be some changes.

I would hope that this would mean a 75% improvement of the area effected. I don't beleive in the principal of telling people to vacate. Many of these businesses can move and some may move under this threat. Personally I don't think that all the people we are working for are aware of what this will involve. I don't agree with all of it but I do think this is a good well written document.

Alderman Carpenter: I would like to thank Alderman Blanchard and his committee but I can't help but agree with Alderman Pierson and Leacht regarding this amortization clause. That I would not be able to vote for it. I think we are supposed to make legislation not letigation.

Alderman McSweeney: I notice in the audience members of the Ecology Club from the High School perhaps there is a spokesman who will address the Board.

Elsie Neibor: I have collected petitions for the Zoning plan, we have found that most people were for the ordinance. First it would give access to the water-front and protect it from the businesses that might destroy it. We are in favour of this ordinance as we feel it will favour the City. We have collected 100's of signatures that would agree.

James Fletcher and Sally Davidson both spoke in favour of the ordinance.

Debbie Ellis another member of the High School committee also spoke in favour of the ordinance. These three speakers felt that the City of Burlington acting as stock-holders would out-way the stock-holders of the corporation.

David Jenkins: I feel that if this is adopted in it's present condition and found unconstitutional the whole statute would be found unconstitutional and we would have no regulations. Buildings could be erected during this period, which could have a considerable effect on the lakefront.

Attorney McNeil: The part that would not be effected would be the savings clause, which is now effective.

Jay Wilson: Vermont Railway: I think we have an item that would be very important in the years to come. As I understand the major corporation to be effected would be Pearce Grain. If they are moved away there would be no reason for the Central Vermont Railroad to come into Burlington, also we would find that other industries who could not move freight north into Canada would not locate in the City of Burlington. The State of Vermont purchased this railway, The Vermont Railway, in 1963 for the salvation of this area. If this northern end is effected it is going to harm the City, economy and also the center of Vermont.

Mr. Holstead Chairman: We would like to put our organisation on record as being in favour of the ordinance. Basically in favour of re-moving the industries by whatever means would be necessary. As apparent on every level of government to prevent pollution, to redaim our natural resources without it is costing someone. However we do not want to be on record as favouring one way or the other for removing these industries.'

Vincent Naramore: Could someone tell me speaking of loosing money what would we stand to loose in tax revenue if these industries did move out.

Mr. Gerrard: Tax Revenue loose I do not feel it would be an important issue because with the guarantees in the ordinance we will

get new development in this area before we begin to loose the present industries. One hotel going into the commercial waterfront area would produce the total tax revenue as to replace what is now coming in.

Clarke Gravel: I would like to ask Mr. Fitzpatrick the actual lose.

Assessor Fitzpatrick: The last figure from Rick Point to Cliffside would be somewhat in excess of \$500,000.00 this would be also the property along this area.

Barbara McNair: You say that the savings clause is not part of the ordinance.

Attorney Jenkins: There is no separation clause in the ordinance as passed and I would think that the courts would consider this as one whole ordinance to be removed.

Jay Wolfson: You know the City is not replacing this industrial area with another industrial area, we cannot continue as a bedroom community. The talk of moving everything into the Intervale is a fallacy and we think this area is too beautiful to move oil tanks but this is my opinion I think some provisions should be made for a new industrial area to take care of this area.

Alderman McSweeney: I think this Board of Aldermen has given the people of City of Burlington one of the finest Christmas presents that they would ever receive.

Alderman Blanchard: I would like to thank the City Attorney McNeil for the time and effort that he has given me on drafting this ordinance, many times he has worked nights and Sundays.

Alderman Pierson asked permission to move into Executive Session.

On motion of Aldermen Blanchard and LeClair it was voted to suspend rules read by title only.

On motion of Aldermen Blanchard and LeClair it was voted Aye 9 Nay 3 to place in all stages of passage.

LICENSES AND PERMITS

#14067	Taxi Driver	14070	Occupy Sidewalk
14068	Electrician	14073	Taxi Driver
14069	Taxi Driver	14074	Apprentice Electrician

On motion of Aldermen Meunier and McSweeney it was voted to accept as presented the foregoing Licenses and Permits.

On motion of Aldermen Paquette and Carpenter it was voted to adjourn til December 22nd 1970.

Attest:

G. St. Henry

City Clerk

BOARD FOR ABATEMENT OF TAXES

DECEMBER 21st

8:00 p.m.

Present: Aldermen LeClair, Shepard, Carpenter, Meunier, Couture,

Blanchard, Leach, Paquette, Porter, Patneaude, Pierson,
McSweeney, Assessor Fitzpatrick and Mayor Cain.

Meeting was called to order by Board President Paquette.

CALL READ

MAYOR'S OFFICE
Room 21, City Hall
City of Burlington, Vermont
December 8th 1970

To BOARD FOR ABATEMENT OF TAXES
of the City of Burlington Vt.

GENTLEMEN:

You are hereby notified and warned to meet at your usual place
of meeting, on the 21st day of December 1970, at 8:00 o'clock P.M. for
the transaction of the following business, which at this time be
submitted for your consideration, viz:

For Abatement of Taxes - 1970

Francis J. Cain, Mayor.

On motion of Aldermen Shepard and LeClair it was voted to accept
abatements as presented.

PUBLIC HEARING MONDAY 28th DECEMBER 1970.
Meeting Adjourned.

Attest:

E. St. Henry
City Clerk

ADJOURNED MEETING BOARD OF
ALDERMEN
DECEMBER 22nd 1970.

Present: Aldermen LeClair, Couture, Carpenter, Paquette, Blanchard,
Porter, Shepard, Patneaude, McSweeney, Meunier, Leach and
Pierson.

Meeting was called to order by Board President Paquette.

AMEND AGENDA

On motion of Aldermen LeClair and Couture it was voted to include in
Agenda report from Superintendent Stebbins.

REPORT SUPERINTENDENT STEBBINS (Verbal)

Superintendent Stebbins: We executed with your approval a contract to
purchase a 25 megawatt turbine generator. We expected shipment
by November 15th or December 1st, all together the
installation is not working. The project manager left today
stating that we would hear from the President of the corporation.
I had a call from the gentleman from Northington Corporation that
we would have a report. The governor on the machinery has not
been working properly when they called tonight they stated they